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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

BURLESON, MICHAEL L

ART UNIT PAPER NUMBER

2626

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/742,122

Applicant(s)

UEKUSA ET AL.

Examiner

Michael Burleson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO 1449 or PTO/SB/08)
- ~~Paper No(s)/Mail Date 4-~~

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed December 22, 2000 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities:
3. Regarding claim 3, " an white point", should read, -- a white point --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,7 and 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claims 1,7 and 8, applicant teaches a step of correcting input image data in accordance with the source profile and teaches of performing a color matching process on the corrected input image data. It is unclear, from what step or means, where the corrected image data, that the color matching process is being performed is originating.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,7 and 8 rejected under 35 U.S.C. 102(b) as being anticipated by Kise et al. US 5828816.

Regarding claim 1, Kise et al. teaches that the color matching method is executed using the profile of the input/output device (column 4, lines 65-66). He teaches that the profile of the input/output device (the scanner (110) or the monitor (120) and the printer (130)) (column 4, lines 66-67). He also shows that the profile of the input/output device is corrected (figure 1A). This reads on an image-processing

method for performing color matching using a source profile and an output profile comprising a step of correcting input image data in accordance with the source profile. Kise et al. also teaches of performing luminance to density conversion on corrected image data (column 3, lines 63-64 and figures 1A and 1B), which reads on a step of calculating a feature quantity of an input image based on the corrected input image data. Kise et al. teaches of making gradation corrections to the respective CMYK colors (column 4, lines 2-5 and figures 1A and 1B), which reads on a step of performing an image correction process on the input image data in accordance with a processing condition responsive to the feature quantity. Kise et al. shows that color matching is performed on the corrected image data (figure 1A), which reads on a step of performing a color matching process on the corrected input image data.

Regarding claim 7, Kise et al. teaches that the color matching method is executed using the profile of the input/output device (column 4, lines 65-66). He teaches that the profile of the input/output device (the scanner (110) or the monitor (120) and the printer (130)) (column 4, lines 66-67). He also shows an input characteristics correction unit (209) that corrects the input image data (column 3, lines 47-45 and figure 1A). This reads on an image-processing method for performing color matching using a source profile and an output profile comprising a step of correcting input image data in accordance with the source profile. Kise et al. also teaches of a logarithm transformation unit (230) that performs luminance to density conversion on corrected image data (column 3, lines 63-64 and figures 1A and 1B), which reads on a step of calculating a feature quantity of an input image based on the corrected input

image data. Kise et al. teaches of a  $\gamma$  transformation unit (250) for making gradation corrections to the respective CMYK colors (column 4, lines 2-5 and figures 1A and 1B), which reads on a step of performing an image correction process on the input image data in accordance with a processing condition responsive to the feature quantity. Kise et al. shows a color matching method-processing unit [CMM] (260) that performs color matching on the corrected image data (figure 1A), which reads on a step of performing a color matching process on the corrected input image data.

Regarding claim 8, Kise et al. teaches of a ROM (271) used to store the software program of the image processing apparatus (200) (column 3, lines 40-46), which reads on a storage medium for storing a computer-readable software program of an image-processing method for performing color matching using a source profile and an output profile, the software program comprising program codes for performing: a step of correcting input image data in accordance with the source profile, a step of calculating a feature quantity of an input image based on the input image data, a step of performing an image correction process on the input image data, a step of performing an image correction process on the input image data in accordance with a processing condition responsive to the feature quantity and a step of performing a color matching process on the corrected input image data.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being obvious over Kise et al. US 5828816 in view of Munson et al. US 6741262.

Regarding claim 2, Kise et al. teaches that the color matching method is executed using the profile of the input/output device (column 4, lines 65-66). He teaches that the profile of the input/output device (the scanner (110) or the monitor (120) and the printer (130)) (column 4, lines 66-67). He also shows that the profile of the input/output device is corrected (figure 1A). This reads on an image-processing method for performing color matching using a source profile and an output profile comprising a step of correcting input image data in accordance with the source profile. Kise et al. also teaches of performing luminance to density conversion on corrected image data (column 3, lines 63-64 and figures 1A and 1B), which reads on a step of calculating a feature quantity of an input image based on the corrected input image data. Kise et al. teaches of making gradation corrections to the respective CMYK colors (column 4, lines 2-5 and figures 1A and 1B), which reads on a step of performing an image correction process on the input image data in accordance with a processing condition responsive to the feature quantity. Kise et al. shows that color matching is

performed on the corrected image data (figure 1A), which reads on a step of performing a color matching process on the corrected input image data.

Kise et al. fails to teach that the correction of the input image data in accordance with the source profile is based on a gamma value described in the source profile.

Munson et al. teaches of a RGB source profile that specifies a gamma value (61) (column 5, lines 26-27), which reads on the source profile is based on a gamma value described in the source profile.

Kise et al. could have easily been modified to specify the gamma value of a source profile of Munson et al. This modification would have been obvious to one skilled in the art at the time of the invention to accurately manage the color of image data.

Regarding claim 3, Munson et al. teaches of a RGB source profile that specifies a white point value (62) (column 5, lines 26-27), which reads on the source profile is based on a white point described in the source profile.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being obvious over Kise et al. US 5828816 in view of Nakajima US 6266152.

Regarding claim 6, Kise et al. teaches that the color matching method is executed using the profile of the input/output device (column 4, lines 65-66). He teaches that the profile of the input/output device (the scanner (110) or the monitor (120) and the printer (130)) (column 4, lines 66-67). He also shows that the profile of the input/output device is corrected (figure 1A). This reads on an image-processing



method for performing color matching using a source profile and an output profile comprising a step of correcting input image data in accordance with the source profile. Kise et al. also teaches of performing luminance to density conversion on corrected image data (column 3, lines 63-64 and figures 1A and 1B), which reads on a step of calculating a feature quantity of an input image based on the corrected input image data. Kise et al. teaches of making gradation corrections to the respective CMYK colors (column 4, lines 2-5 and figures 1A and 1B), which reads on a step of performing an image correction process on the input image data in accordance with a processing condition responsive to the feature quantity. Kise et al. shows that color matching is performed on the corrected image data (figure 1A), which reads on a step of performing a color matching process on the corrected input image data.

Kise et al. fails to teach that the color matching process is performed according to the type of the input image.

Nakajima shows that color matching is based on the attribute of an object (figure 2 and column 2, lines 29-39), which reads on the color matching process is performed according to the type of the input image.

Kise et al. could have easily been modified with the step of determining the type of image of Nakajima. This modification would have been obvious to one skilled in the art at the time of the invention to accurately match the colors of a specific type of image.

***Allowable Subject Matter***

6. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

1. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (703) 305-8683 and fax number is (703) 746-3006. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (703) 305-4863

JEROME GRANT II  
PRIMARY EXAMINER

Mlb  
June 9, 2004

Michael Burleson  
Patent Examiner  
Art Unit 2626

MB